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December 14, 2023

VIA CM/ECF

The Honorable Jessica S. Allen, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King Building & United States Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

Re: ***D'Ambly v. Exoo, et al.*, Civil Case No.: 2:20-cv-12880-JXN-JSA**  
**Status Letter Regarding Mediation**

Dear Judge Allen:

Defendants Tribune Publishing Company, LLC (“Tribune”) and the New York Daily News (the “Daily News”) write regarding the above-captioned matter. This letter is in response to the Letter Order dated December 1, 2023 (ECF No. 190) directing the parties to provide a letter addressing mediation.

The Court had directed the parties to take the depositions of Plaintiff D’Ambly and Defendants’ 30(b)(6) representative by December 11, 2023. Defendants took Plaintiff’s deposition on December 6, 2023. Plaintiff did not notice a 30(b)(6) deposition. Plaintiff did notice the individual deposition of Toni Martinez for December 13, 2023, but cancelled the deposition the day prior and has not rescheduled the deposition. Defendants’ Chicago-based counsel had already traveled to New York to defend Ms. Martinez’s deposition when Plaintiff cancelled the deposition. Defendants have reserved the right to seek the costs incurred by travel and preparation for a deposition cancelled with only 24 hours’ notice.

Regarding mediation, the parties have agreed to mediate with Dean Burrell through the Court’s mediation program. Mr. Burrell has confirmed that he is available to mediate this case through the Court’s mediation program in January or February 2024. However, the parties have not yet confirmed a mediation date as Defendants are waiting for Plaintiff to provide an updated deposition notice.

Defendants remind this Court that the parties specifically agreed to take one deposition each prior to mediation in order to continue to develop the factual record and better position the case for resolution. Defendants thus request that the Court set a new deadline for Plaintiff to take his deposition prior to referring the case to mediation with Mr. Burrell.

The parties are happy to participate in a telephone conference to discuss these issues at the Court’s request.

Respectfully submitted,

s/ Lindsay F. Ditlow

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